

5702-01051

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Remarks

Claims 26, and 29-34 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 26, 29, and 30 have therefore been amended responsive to the examiner's remarks.

Claims 7, 9-10, 13, 30, 31, 33, and 34 stand rejected under 35 U.S.C. 102 (b) as being anticipated by U.S. Patent No. 3,972,545 to Kirchoff et al. Among other things, the examiner indicates that a filter of Kirchoff is defined by 22, 26, 28, 29, 30, and 32. Although the examiner argues that these structural features apparently in toto may be construed to be a filter, this is not what Kirchoff teaches or describes. Kirchoff clearly distinguishes between the functional differences between the filter 22, the pH neutralizer 26, and the cooling structure following the pH neutralizer. The drawings clearly illustrate the additional features of Kirchoff that are simply not part of the present invention. Furthermore, claim 5 of Kirchoff clearly indicates that the pH neutralizer exists between the filtering means and the cooling means. This claim is simply not permitted if the drawings do not in fact illustrate what is claimed. Accordingly, the examiner's construct of a filter that combines all of these structural features is not consistent with Kirchoff when that reference is considered in its entirety. It should also be clear that the pH neutralizer is not placed there for filtration, but for treatment of alkaline gases. These structural distinctions of Kirchoff make anticipation under 35 U.S.C. 102(b) of the claims given above untenable.

Applicants reserve the right to respond to the other positions of the examiner, but do not consider this presently necessary in view of the above remarks.

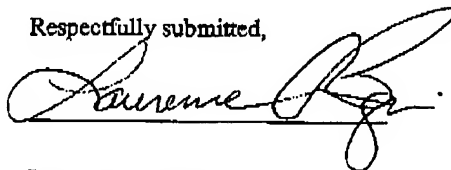
Claims 1-6, 11-12, 14-21, 27-29, and 32 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kirchoff et al in view of Goetz et al (U.S. Patent No. 4,394,033). The examiner argues that it would have been obvious to replace the rupturable tube of Kirchoff with the perforated tube of Goetz to arrive at the present invention. The examiner fails to appreciate that Kirchoff does not suggest or teach alternatives to the rupturable tube. In fact, the objects of Kirchoff's invention would not be accomplished if a perforated tube were used as provided in the present invention, and as provided by Goetz. As described at column 3, line 49 through column 4, line 4 of Kirchoff, the rupturable tube is necessary to result in a delayed or slower delivery of gases for lower impact severity crashes. Neither Kirchoff nor Goetz when taken alone or together suggest or describe the combination as claimed in the present respective claims. Accordingly, a prima facie case of obviousness is not supported, because the claimed invention is simply not suggested or motivated by the cited references, nor is there a suggestion that the resultant combination as claimed in the present claims would successfully result in the present invention with the attendant solutions.

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In view of the above amendments and remarks, the Applicants respectfully submit that all rejections of record have been overcome. The Applicants respectfully requests favorable reconsideration and allowance of the present application.

Respectfully submitted,



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